

# ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT FOR FISCAL YEAR 2010—CONTINUED

Mr. REID. Mr. President, I ask unanimous consent that the Chair report the legislation we are now working on.

The PRESIDING OFFICER. The clerk will report the pending business. The assistant legislative clerk read as follows:

A bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

## CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion that is already at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Dorgan substitute amendment No. 1813 to H.R. 3183, the Energy and Water Development Appropriations Act for Fiscal Year 2010.

Byron L. Dorgan, Herb Kohl, Sherrod Brown, Dick Durbin, Jon Tester, Mark Begich, Dianne Feinstein, Tom Udall, Jeff Bingaman, Robert P. Casey, Jr., Daniel K. Akaka, John Kerry, Mark Pryor, Patty Murray, Jack Reed, Daniel K. Inouye, Harry Reid.

## CLOTURE MOTION

Mr. REID. Mr. President, I have another cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on H.R. 3183, the Energy and Water Development Appropriations Act for Fiscal Year 2010.

Byron L. Dorgan, Herb Kohl, Sherrod Brown, Dick Durbin, Jon Tester, Mark Begich, Dianne Feinstein, Tom Udall, Jeff Bingaman, Robert P. Casey, Jr., Daniel K. Akaka, John Kerry, Mark Pryor, Patty Murray, Jack Reed, Daniel K. Inouye, Harry Reid.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum call under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Governors' Representatives on Colorado River Operations related to language included in the report to accompany the House Energy and Water Development and Related Agencies Appropriations Act, 2010, H.R. 3183.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GOVERNOR'S REPRESENTATIVES ON COLORADO RIVER OPERATIONS: STATES OF ARIZONA, CALIFORNIA, COLORADO, NEVADA, NEW MEXICO, UTAH AND WYOMING,

July 27, 2009.

Hon. HARRY REID,

U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR REID: the undersigned Governor's Representatives on Colorado River Operations (States) are writing to express our serious concerns about recommendations contained in the committee report on H.R. 3183, the FY 2010 Energy and Water Development Appropriations Bill, relating to operations of Glen Canyon Dam on the Colorado River. The relevant language in the committee report on H.R. 3183, states:

"Glen Canyon Dam. The Committee continues to support the goals of the Grand Canyon Protection Act (GCPA) and the resulting duties placed upon the Bureau of Reclamation. However, the Committee is concerned that many of the procedural requirements in the GCPA and Charter for the Glen Canyon Dam Adaptive Management Work Group are being disregarded. The result appears to be that Federal responsibilities have been neglected and public transparency compromised. Specifically, the Committee strongly encourages that the Bureau of Reclamation, in cooperation and concurrence with the National Park Service, revisit the Operating Criteria for Glen Canyon Dam. The five-year review required by the Operating Criteria should be an open public process consistent with the GCPA and 1997 Operating Criteria requirements (62 FR 9447-9448)."

The Glen Canyon Adaptive Management Work Group (AMWG) is a the federal advisory committee that includes 26 representatives from multiple federal agencies, the Colorado River Basin States, tribes, recreation interests, power customers and environmental organizations. It was authorized in the Grand Canyon Protection Act of 1992 to provide the Secretary of the Interior advice and recommendations relative to the operation of Glen Canyon Dam. The States continue to support the AMWG collaborative stakeholder process and are also supportive of the Bureau of Reclamation's reporting on Glen Canyon Dam operations consistent with the Grand Canyon Protection Act and the Colorado River Basin Project Act of 1968.

However, the States strongly disagree with the assertion in the committee report that "federal responsibilities have been neglected and public transparency compromised" and strongly oppose giving the National Park Service an elevated role in the AMWG or a new role in determining the operations at or Operating Criteria for Glen Canyon Dam.

Under existing law, the Bureau of Reclamation is the lead agency in establishing and reviewing the Operating Criteria for Glen Canyon Dam and developing the Annual Operating Plan. The language contained in the committee report would create a grave imbalance among the stakeholders by requiring the "concurrence" of the National Park Service relative to Glen Canyon Dam operations and effectively give this single purpose federal agency veto authority over the operation of a facility that is critical to maintaining a stable and dependable water supply for over 30 million people in the western United States. The States are concerned that the Committee's recommendations may have been based on less than complete information and believe that significant changes in the responsibilities of federal agencies with regard to dam operations on the Colorado River, such as those proposed in the committee report, should not be made without a full discussion among stakeholders and affected agencies.

Finally, as you may not know, a number of issues relating to the Grand Canyon Protection Act and the operations of Glen Canyon Dam are currently the subject of litigation. For this additional reason, the States do not believe it is appropriate for Congress to make recommendations for changes in the process and roles of the federal agencies with respect to Colorado River water management at this time and through this mechanism.

We urge you to work to ensure that the recommendations in the committee report on H.R. 3183 do not become part of the final House/Senate report on the FY 2010 Energy and Water Development Appropriations Bill.

Sincerely,

HERBERT R. GUENTHER,  
Director, Arizona Department of Water Resources.

DANA B. FISHER, JR.,  
Chairman, Colorado River Board of California.

JENNIFER GIMBEL,  
Director, Colorado Water Conservation Board.

PATRICIA MULROY,  
General Manager, Southern Nevada Water Authority.

GEORGE CAAN,  
Director, Colorado River Commission of Nevada.

JOHN D'ANTONIO,  
Secretary, New Mexico Interstate Stream Commission.

DENNIS STRONG,  
Director, Utah Division of Water Resources, Utah Interstate Stream Commissioner.

PATRICK TYRRELL,  
State Engineer, State of Wyoming.

The following Colorado River contractors and utilities endorse the position of the Governor's Representatives on Colorado River Operations stated in this letter: City of Aurora; Central Arizona Water Conservation District; Coachella Valley Water District; Colorado River Water Conservation District; Colorado Springs Utilities; Denver Water; City of Grand Junction; Metropolitan Water District of Southern California; Northern Colorado Water Conservancy District; Board of Water Works of Pueblo, CO; Southeastern Colorado Water Conservancy District; Southwestern Water Conservation District; and Upper Colorado River Commission.

Mr. CONRAD. Mr. President, I rise to offer for the RECORD the Budget Committee's official scoring of S. 1436, Energy and Water Development and Related Agencies Appropriations Act for fiscal year 2010.

The bill, as reported by the Senate Committee on Appropriations, provides \$33.8 billion in discretionary budget authority for fiscal year 2010, which will result in new outlays of \$19.8 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the bill will total \$43.2 billion.

The Senate-reported bill matches its section 302(b) allocation for budget authority and for outlays.

The Senate-reported bill includes several provisions that make changes in mandatory programs that result in

an increase in direct spending in years following the budget year, 2011 to 2019. Each of these provisions is subject to a point of order established by section 314 of the 2009 budget resolution. The bill is not subject to any other budget points of order.

I ask unanimous consent to have the table displaying the Budget Committee scoring of the bill printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1436, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

[Spending comparisons—Senate-reported bill (in millions of dollars)]

	Defense	General Purpose	Total
Senate-Reported Bill:			
Budget Authority .....	16,886	16,864	33,750
Outlays .....	18,571	24,630	43,201
Senate 302(b) Allocation:			
Budget Authority .....			33,750
Outlays .....			43,201
House-Passed Bill:			
Budget Authority .....	16,367	16,931	33,298
Outlays .....	18,219	24,508	42,727
President's Request:			
Budget Authority .....	16,563	17,830	34,393
Outlays .....	18,353	24,124	42,477
Senate-Reported Bill Compared To:			
Senate 302(b) allocation:			
Budget Authority .....			0
Outlays .....			0
House-Passed Bill:			
Budget Authority .....	519	—67	452
Outlays .....	352	122	474
President's Request:			
Budget Authority .....	323	—966	—643
Outlays .....	218	506	724

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JULY 29, 2009

Mr. REID. Mr. President, I ask consent that when the Senate completes

its business today, it adjourn until 9:30 a.m. tomorrow, July 29; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of Calendar No. 116, H.R. 3183, the Energy and Water Appropriations Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, earlier tonight I filed cloture on the Dorgan substitute amendment and the Energy and Water Appropriations bill, and under rule XXII, that means first-degree amendments must be filed at the desk prior to 1 p.m. tomorrow.

For the information of the Senate, it is my intention to turn to the Agriculture appropriations bill upon the completion of the Energy and Water bill. I have said there are certain things we have to get done before we leave. I hope we do not have to have this cloture vote on Thursday. I hope we can get to the bill and move to the Agriculture appropriations bill. If not, then we are going to have to work through the weekend because there are certain things—it is not a very long list—we have to do before we leave.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:33 p.m., adjourned until Wednesday, July 29, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL ENERGY REGULATORY COMMISSION

SUEDEEN G. KELLY, OF NEW MEXICO, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2014. (REAPPOINTMENT)

DEPARTMENT OF STATE

MARY JO WILLS, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND Plenipotentiary OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MAURITIUS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND Plenipotentiary OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SEYCHELLES.

DEPARTMENT OF HOMELAND SECURITY

KELVIN JAMES COCHRAN, OF LOUISIANA, TO BE ADMINISTRATOR OF THE UNITED STATES FIRE ADMINISTRATION, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY, VICE GREGORY B. CADE, RESIGNED.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

DAVID S. FERRIERO, OF NORTH CAROLINA, TO BE ARCHIVIST OF THE UNITED STATES, VICE ALLEN WEINSTEIN, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

ROBERT J. SCHULTZ

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

ANDREA J. FULLER

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

PETER H. GUEVARA

To be major

JEAN R. ELYSEE

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

JAMES BANE  
KENNETH F. HILL  
DIANE INDYK  
JONATHAN KIEV  
JOHN L. MCDONOUGH

To be major

PRASAD LAKSHMINARASIMHIAH  
DAVID L. SILVERMAN  
BENOIT D. TANO